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REMARKS

The Claims in the case are claims 33-43. Claim 33 corresponds in part to Claims 22 and 24. Claim 34 corresponds to Claim 25, and Claims 35-40 correspond, respectively, to Claims 27-31. Claims 41-43 are the preferred sub-groups supported by the specification at p. 12, lines 31 and 32; the subject matter of claim 41 was claimed originally in Claim 9.

The Examiner has commented that the rejection under 35 USC102 has been overcome. However, the rejection under 35 USC112 (scope of enablement) was not overcome by the previously provided claims 22-32. The reconsideration of the Section 112 rejection is respectively requested in light of the newly added claims 33-43.

The newly added claim 33 is supported by the specification. The variable "t" is 2; the R⁵ substituent is hydrogen; and G is methylene. In regard to the variable R¹, in Claim 33, R¹ is directed to "pyridyl substituted with 1 or 2 substituents independently selected from the group consisting of hydroxy and methyl". As noted by the Examiner, the reactant at p. 30 of the specification is the highly reactive chloro, methyl, hydroxy-substituted pyridine, termed intermediate "a-5" or "b-4", at the specification, p. 26 or p. 30, respectively. However, this reagent can reasonably have the methyl or the hydroxyl substituents at variable positions on the pyridyl ring without unduly extending the enablement taught by the specific reagent illustrated by the examples.

There is another definition used in the newly added claims, that of the "R^{3b}" group which is defined as "C₁₋₆alkyl". The Examiner's comments in the final rejection seem to indicate that R^{3b} should be limited to C₁₋₄alkyl. This position is respectfully requested to be reconsidered and withdrawn. The Applicants have defined the R^{3b} group as being C₁₋₆alkyl, and in view of the art-accepted equivalency of the lower alkyl groups, there is no particular reason for picking the 1-4 chain rather than the 1-6 chain. The examples in the specification use the methyl group, but no limiting preference is expressed for the 1-4 chain over the 1-6 chain by use of the methyl example.

As noted in the earlier response, the variable Q as found in the claims is amply supported and enabled by the examples of the specification.

Reconsideration and allowance of the newly presented claims is respectfully requested.

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Review of Applicant's' remarks, entry of the amendment, and reconsideration of the rejection is respectfully requested. In the alternative, the Examiner is respectfully requested to enter the paper for the purposes of appeal.

Under the provisions of Rule 116 and MPEP 714.12, this response, being filed by facsimile transmission, is believed to respond fully to the issues raised in the Final Rejection, is requested to be entered. Review of this amendment by the Examiner will not present any unreasonable burden, or necessitate an additional search. The Patent Examiner is respectfully requested to reconsider the rejection in light of the amendments and arguments contained herein and allow the claims and pass the case to issue. The amendments contained herein could not have been earlier presented. Applicants have reviewed the rejection and their application and believe that the arguments herein presented are responsive to the rejection and place the case in condition for allowance.

Notice of allowance is respectfully requested.

Respectfully submitted,
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